In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 00-180V Filed: April 18, 2008

NOT TO BE PUBLISHED

***********	****	
MAUREEN E. CARR,	*	
·	*	
Petitioner,	*	
	*	Hepatitis B Vaccination;
•	*	Rheumatoid Arthritis;
v.	*	Stipulation; Compensation Awarded
	*	•
	*	
SECRETARY OF THE DEPARTMENT	*	
OF HEALTH AND HUMAN SERVICES,	*	•
	*	
Respondent.	*	

DECISION¹

On April 14, 2008, the parties to the above captioned case filed a Stipulation memorializing their agreement as to the appropriate amount of compensation in this case. Petitioner alleged that Maureen sustained rheumatoid arthritis after receiving hepatitis B vaccinations. Respondent denies that Maureen's rheumatoid arthritis is vaccine-related. Nonetheless, the parties agreed informally to resolve this matter.

The court hereby <u>adopts</u> the parties' said Stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Specifically, petitioner is awarded a lump sum of \$50,000 in the form of a check payable to petitioner. The Clerk of the Court is directed to enter judgment accordingly.²

¹The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. <u>Id.</u>

²Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.

IT IS SO ORDERED.

s/Gary J. Golkiewicz Gary J. Golkiewicz Chief Special Master

IN THE UNITED STATES COURT OF FEDERAL CLAIMS OFFICE OF SPECIAL MASTERS

MAUREEN CARR,

Petitioner,

ν.

SECRETARY OF HEALTH AND HUMAN

SERVICES,

Respondent.

No. 00-180V Chief Special Master Gary Golkiewicz

STIPULATION

The parties hereby stipulate to the following matters:

- 1. Petitioner filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 to 34 (the "Vaccine Program"). The petition seeks compensation for injuries allegedly related to petitioner's receipt of the hepatitis B vaccine, a vaccine that is contained in the Vaccine Injury Table (the "Table"), 42 U.S.C. § 300aa-14(a); 42 C.F.R. § 100.3(a)(VIII).
- 2. Petitioner received her hepatitis B immunizations on September 8, 1997, October 27, 1997, and April 14, 1998.
 - 3. The vaccines were administered within the United States.
- 4. Petitioner alleges that she developed rheumatoid arthritis (RA) as a result of her September 8, 1997, October 27, 1997, and April 14, 1998 hepatitis B vaccinations.

- 5. Petitioner represents that there has been no prior award or settlement of a civil action for damages on her behalf as a result of her condition.
- 6. Respondent denies that petitioner's RA was caused-infact by petitioner's hepatitis B vaccinations.
- 7. Maintaining their above-stated positions, the parties nevertheless now agree that the issues between them shall be settled and that a decision should be entered awarding the compensation described in paragraph 8 of this Stipulation.
- 8. As soon as practicable after entry of judgment reflecting a decision consistent with the terms of this Stipulation, and after petitioner has filed an election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), the Secretary of Health and Human Services will issue a lump sum payment of \$50,000.00 in the form of a check payable to petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).
- 9. As soon as practicable after the entry of judgment on entitlement in this case, and after petitioner has filed both a proper and timely election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), and an application, the parties will submit to further proceedings before the special master to award reasonable attorneys' fees and costs incurred in proceeding upon this petition.

- 10. Payments made pursuant to paragraphs 8 and 9 of this Stipulation will be made in accordance with 42 U.S.C. § 300aa-15(i), subject to the availability of sufficient statutory funds.
- 11. The parties and their attorneys further agree and stipulate that the money provided pursuant to this Stipulation will be used solely for the benefit of petitioner as contemplated by a strict construction of 42 U.S.C. § 300aa-15(a) and (d), and subject to the conditions of 42 U.S.C.§ 300aa-15(g) and (h).
- 12. In return for the payments described in paragraphs 8 and 9, petitioner, on her own behalf, and on behalf of her heirs, executors, administrators, successors or assigns, does forever and fully expressly release, acquit and discharge the Secretary of Health and Human Services and the United States of America from any and all actions, causes of action, agreements, judgments, claims, damages, loss of services, expenses and all demands of whatever kind or nature on account of, or in any way growing out of, any and all known or unknown personal injuries to or death of petitioner resulting from, or alleged to have resulted from, the hepatitis B vaccinations administered on September 8, 1997, October 27, 1997, and April 14, 1998, as alleged by petitioner in a petition for vaccine compensation filed on or about April 3, 2000, in the United States Court of Federal Claims as petition No. 00-180V.
 - 13. If petitioner should die prior to receiving the payment

described in paragraph 8, this agreement shall be considered voidable upon proper notice to the Court on behalf of either or both of the parties.

- 14. If the special master fails to issue a decision in complete conformity with the terms of this Stipulation or if the Court of Federal Claims fails to enter judgment in conformity with a decision that is in complete conformity with the terms of this Stipulation, then the parties' settlement and this Stipulation shall be null and void at the sole discretion of either party.
- 15. This Stipulation expresses a full and complete settlement of liability and damages claimed under the National Childhood Vaccine Injury Act of 1986, as amended, except as otherwise noted in paragraph 9 above. There is absolutely no agreement on the part of the parties hereto to make any payment or to do any act or thing other than is herein expressly stated and clearly agreed to.
- 16. All rights and obligations of petitioner hereunder shall apply equally to petitioner's successors and assigns.

END OF STIPULATION

Respectfully submitted,

PETITIONER:

MAUREEN CARR

ATTORNEY OF RECORD FOR PETITIONER:

CLIFFORD J. SHOEMAKER SHOEMAKER & ASSOCIATES 9711 Meadowlark Road Vienna, Virginia 22182-1951

AUTHORIZED REPRESENTATIVE OF THE SECRETARY OF HEALTH AND HUMAN SERVICES:

GEOFFREY EVANS, M.D.
Director, Division of
Vaccine Injury Compensation
Healthcare Systems Bureau
U.S. Department of Health
and Human Services
5600 Fishers Lane
Parklawn Building, Stop 11C-26
Rockville, MD 20857

Dated: april 14, 2008

AUTHORIZED REPRESENTATIVE OF THE ATTORNEY GENERAL:

VINCENT J. MATANOSKI Acting Deputy Director

Torts Branch Civil Division

U.S. Department of Justice

P.O. Box 146

Benjamin Franklin Station Washington, D.C. 20044-0146

ATTORNEY OF RECORD FOR RESPONDENT:

HEATHER I. PEARLMAN

Trial Attorney

Torts Branch

Civil Division

U.S. Department of Justice

P.O. Box 146

Benjamin Franklin Station Washington, D.C. 20044-0146